

1 TRANSCRIPT OF PROCEEDINGS

2 THE COURT: This is State of Wisconsin versus
3 Larry Woods, 2018CF516. Let the record reflect the
4 appearance of Mr. Woods in person and in custody and by
5 Attorney Frank Raff. The State appears by Assistant
6 District Attorney Scott Dirks.

7 This matter is scheduled for a sentencing hearing
8 this morning. Are we ready to proceed today?

9 MR. DIRKS: The State's ready, Your Honor.

10 MR. RAFF: Yes.

11 THE COURT: Mr. Woods has been convicted of the
12 crime of repeated sexual assault of a child pursuant to
13 a plea of guilty. He is now before the Court for
14 purposes of sentencing. The Court has reviewed the
15 victim impact statements that are on file with the Court
16 filed by DH, the victim's father, and DRB, the mother to
17 the victim as well as the victim impact statement filled
18 out by the mother on behalf of the victim.

19 Mr. Dirks, are there any victims who wish to address
20 the Court this morning, and are we otherwise victim
21 compliant?

22 MR. DIRKS: Your Honor, the victim's mother very
23 much wanted to be here today. But as the Court knows
24 from having read the presentence report, she's fallen on
25 financial hard times and got a new job. And the new job

1 orientation is this morning. And she simply couldn't
2 afford to miss that. So no. She won't be here. We
3 don't have any other witnesses.

4 She did offer one small correction to the PSI. I
5 can bring that up whenever the Court wants.

6 THE COURT: You can bring that up now. That's
7 fine.

8 MR. DIRKS: Okay.

9 In the top paragraph of page 8, the last sentence
10 says because of G's anger issues, DRB finds it difficult
11 to speak calmly with her. What she meant by that was
12 that G becomes very defensive at times because of her
13 anger issues, and D has to be very careful about how she
14 speaks to her daughter.

15 THE COURT: All right. Thank you.

16 The Court has obviously received and reviewed the
17 presentence investigation report prepared by Agent
18 Langbecker.

19 Mr. Dirks, my assumption is you've reviewed that and
20 there are no other corrections outside of that
21 correction; is that correct?

22 MR. DIRKS: I've reviewed it, and there are no
23 other corrections.

24 THE COURT: Mr. Raff, have you had a chance to
25 review the PSI with your client? If so, are there any

1 corrections from your perspective?

2 MR. RAFF: Yes. I reviewed it. No -- no
3 corrections.

4 THE COURT: Thank you.

5 The maximum penalties the Court could impose with
6 regard to this offense is a fine of not more than
7 \$100,000 and up to forty years in the Wisconsin State
8 Prison System. The maximum period of initial
9 confinement the Court could impose is not more than
10 twenty-five years. The maximum period of extended
11 supervision the Court could impose is fifteen years.
12 And obviously the maximum period of probation is
13 twenty-five years.

14 The Department of Corrections is recommending that
15 the Court impose a sentence of nine to ten years of
16 initial confinement followed by three to four years of
17 extended supervision with a number of conditions of his
18 extended supervision that I'll not get into right now.

19 Are there any witnesses for either the State or the
20 defense that wish to address the Court?

21 MR. DIRKS: I'm not calling any witnesses, Your
22 Honor.

23 MR. RAFF: No.

24 THE COURT: Mr. Raff?

25 MR. RAFF: No.

1 THE COURT: Very well.

2 Then at this point in time, the Court will hear the
3 State's position with regard to sentencing.

4 MR. DIRKS: Thank you.

5 Your Honor, I'm largely in agreement with the
6 department's recommendation. Under the terms of the
7 parties' plea agreement, I am confined to a
8 recommendation of no more than ten years of initial
9 confinement and ten years of extended supervision, and
10 that is my recommendation. There are a number of
11 reasons for that.

12 First of all the gravity of this offense cries out
13 for a long prison sentence. The defendant who was -- I
14 think he was sixty-two years old when this all began
15 encountered a vulnerable child, a fourteen-year-old girl
16 who didn't have a father in her life who -- at least in
17 her mother's judgment, and I think it's true -- really
18 needed a father figure. And like a lot of
19 fourteen-year-olds, she wanted to be involved in a
20 romantic relationship.

21 The defendant presented himself to a lot of people
22 as a very prosocial member of the community. He'd been
23 a Beloit police officer for quite a number of years. He
24 worked as a security guard at the library, at schools.
25 He was really looked up to by a lot of people in the

1 Beloit community. And the victim's mother knew who he
2 was and saw him as a very admirable person. And when he
3 offered to be a kind of father figure or male mentor for
4 her fourteen-year-old daughter, she thought that was a
5 great idea. It is often the case that people who are
6 pedophiles put on a public face as somebody who's very
7 respectable. And part of the reason that they can do
8 what they do is because of that public face, and that's
9 exactly what happened here.

10 This went on for months. It only stopped because
11 the victim's mother was checking the victim's phone --
12 actually it was the mother's phone and found a video of
13 the defendant and her daughter in their underwear
14 apparently in a motel room. She did exactly what we
15 would hope a mother would do and called the police. And
16 that's the only thing that put a stop to this. This
17 would have gone on for who knows how long had it not
18 been discovered.

19 In doing what he did, the defendant has not only
20 done grave harm to the victim, he's also harmed his own
21 family. The victim still -- because I've met with her a
22 couple of times -- sees the defendant as her boyfriend.
23 And she's distraught that she's been separated from him
24 by his bond conditions. It's going to take -- I mean
25 let's think about that for a minute. This

1 fourteen-year-old girl saw this as a romantic
2 relationship with somebody who's easily old enough to be
3 her grandfather. And even after the charges had been
4 filed in this venue and in federal court, even after
5 everything that's happened, she is still distraught that
6 she can't be with him. It's going to take that kid
7 years -- if ever -- before she can finally overcome
8 this.

9 The Court heard me in a sentencing hearing a couple
10 of weeks ago and heard from two people in their twenties
11 who described to the Court years after the fact the
12 trauma that a lengthy period of repeated sexual assault
13 had worked on them. I'm hopeful that the victim in this
14 case will move from viewing this as a romantic
15 relationship and come to see it for what it was which is
16 a series of sexual assaults. She was taken advantage
17 of. And that's -- you know, that's an old euphemism for
18 sexual assault, but it -- it aptly applies here. She
19 was taken advantage of by this man who presented himself
20 as a pillar of the community and used that position in
21 order to take advantage of her.

22 And he's not only done grave harm to the victim and
23 her mother, but he's harmed his family. He was the sole
24 source of support for his wife and according to the
25 presentence report for most of his adult children as

1 well. Because of his incarceration, he can't receive
2 social security anymore. And so they don't have that
3 source of support. They're living on what's left of his
4 pension which is \$2,000 a month. The home's been
5 foreclosed on. The defendant's wife never worked
6 outside the home. She's got no job skills. She's going
7 to have to try and find employment somehow to keep a
8 roof over her head and body and soul together.

9 But what makes this a particularly aggravated crime
10 on top of all of that is that the defendant completely
11 refuses to accept any responsibility whatsoever for what
12 he's done. Reading from page 5 of the presentence
13 report, he told this writer "since this all happened, I
14 felt like the so-called victim put something in my water
15 bottle, and it is Aquafina, the kind of water that I
16 drink; that was once in the alleyway of her house, and
17 it happened another time at a hotel we were at; it was
18 just a funny feeling after I drank the bottle of water;
19 she knew I was a big bottled water drinker; but the one
20 time in the alley, I noticed the water was really
21 cloudy, and I asked her because it tasted so bitter; she
22 said nothing and that she had just opened it up; I
23 noticed that at two of the hotels we were at, I had
24 bottled water that she had brought with; I sort of
25 noticed something was in it, but I still drank it."

1 Going on, when asked if he had ever had sexual
2 intercourse with the victim, his response was "maybe
3 kissing around the neck or "maybe around the breasts,
4 something like that." When asked if he'd ever digitally
5 penetrated her, the defendant replied not that I can
6 remember. When asked if he'd ever performed oral sex on
7 her, he stated um, they say I did; I think my memory
8 probably wouldn't have been clear around that time
9 because of the water; and I know it's on tape; so I
10 can't really deny it, but I don't remember doing
11 anything like that. When asked if he'd performed oral
12 -- she had performed oral sex on him, the defendant
13 responded "let's see; yeah; they said I did; they said
14 it was on tape too, but I don't remember doing that.
15 Regarding the frequency of his sexual contact with G,
16 the defendant estimated it was "little to none." He
17 took her to hotel rooms all around the state line area
18 to have sex with her. He had sexual contact with her
19 hundreds of times. And his response to all of that is
20 well, she put something in my water; it's her fault.

21 He also says that the district attorney wants to
22 slam me for a lot of time; in this state, black men are
23 incarcerated more heavily sentence-wise than white men,
24 and that's what I feel this is slipping into. So Mr.
25 Woods is the victim here. The girl put something in his

1 water. The district attorney who's white and I'm black
2 wants to incarcerate me because of my race. I'm getting
3 tired of that argument. It has nothing to do with race.
4 And it's an accusation that I can't defend myself
5 against because I can't disprove it. Mr. Woods doesn't
6 know me. He certainly doesn't know me well enough to
7 make an argument like that.

8 He also goes on to state regarding the victim "I
9 hope she can straighten her life up and not catch other
10 people up in situations like this."

11 Your Honor, given the gravity of this offense, the
12 length of time that this went on, the number of times he
13 assaulted this child, the way he warped her mind, given
14 the fact that he took advantage of his position in the
15 community to find such a vulnerable victim, and given
16 his total, total lack of acceptance of any sense of
17 responsibility here -- in fact -- blaming the child for
18 what happened here, I think the lengthy sentence that
19 I'm asking for is appropriate.

20 Thank you.

21 THE COURT: Thank you.

22 Mr. Raff.

23 MR. RAFF: I think we can start from the
24 proposition whereby I agree with the district attorney
25 in that this is -- that the gravity of this offense is

1 serious, that it should require the Court -- and I think
2 that the Court should sentence Mr. Woods to a lengthy
3 period of incarceration as Mr. Dirks stated. I think
4 that's true, and I think that I agree with that. But
5 I'm going to ask the Court to sentence Mr. Woods to five
6 years initial confinement and five years extended
7 supervision which under these circumstances considering
8 the gravity of the offense, what actually happened, and
9 Mr. Woods' life is an appropriate sentence. That does
10 everything that the Court should hope that a sentence
11 would do in this situation, and that very adequately
12 punishes Mr. Woods for this behavior. Five years in
13 prison for somebody who's never been involved in the
14 criminal justice system on this side of it obviously is
15 a lot of time.

16 And as I'm sure the Court's also aware, he's facing
17 a sentencing in federal court for essentially the same
18 behavior as it was charged federally for him essentially
19 crossing state lines and engaging in the same behavior,
20 the driving. And for that, he does face a mandatory
21 minimum period of incarceration of ten years. So
22 whatever we do here, after this sentencing hearing on
23 November 6th, Mr. Woods is going to be taken to federal
24 court, and he's going to do this again. He's going to
25 hear the same facts again, and he's going to be

1 sentenced on the same thing. And he's going to get at
2 least ten years, and that's mandatory. So to address
3 these state charges with five years in and five years
4 out is appropriate. And it's appropriate for several
5 reasons. Because I don't think anybody is questioning
6 as we sit here today that this hearing isn't about
7 whether or not Mr. Woods did something bad. And okay;
8 if we can start from that proposition then fine. Where
9 should -- where does this crime fit on the spectrum of
10 things that people do that are bad? And it's not the
11 least bad thing, but it's not the most bad thing ever.
12 And it's hard to say that. It's a weird thing to say or
13 to argue, but it's not.

14 Mr. Woods is a person who is sixty-three. At
15 twenty-two, he joined the police force. And he
16 essentially worked for the Beloit Police Department for
17 I want to say twenty-five years. He retired when he was
18 fifty-one. During that period of time, he was a model
19 citizen in Beloit. He was somebody that the black
20 community in Beloit looked up to. He was a black police
21 officer policing Beloit which is something that we
22 probably need more of. And he did a good job at that.
23 And during that time, there were -- there were no
24 issues. There were no instances of him taking advantage
25 of his position, doing things inappropriately, getting

1 written up, getting in trouble. He was a model police
2 officer. And I don't think anybody could come in and
3 make a claim against that.

4 And at the same time or afterwards, he still tried
5 to help the community that he'd been a part of since he
6 was twenty-two. He worked in situations involving
7 children. He worked at the high school, at the middle
8 school as a resource officer. He worked security at the
9 library. He worked closely with the Beloit Explorers
10 which is a youth group connecting youth and police. And
11 during all of that time, there's -- there's no
12 allegations. There's no misconduct. There's nothing.
13 So that's sixty-two years of being a good dad, of being
14 a good police officer, of interacting with children in
15 an appropriate way. This isn't a situation where Mr.
16 Woods has been an undercover pedophile for sixty years
17 setting up his life and arranging things in a way in
18 which he could finally strike and -- and have this
19 victim and have all the stars align where he can take
20 advantage of this person based on -- on how he set up
21 his life.

22 He screwed up in a very large way and in a very
23 serious way that as Mr. Dirks said has a huge impact on
24 this girl for the rest of her life, on this girl's
25 mother and their greater extended family I'm sure, and

1 on Mr. Woods' life. And that's something that he does
2 need to sit here and take responsibility for and that he
3 pled guilty to and that he acknowledged and that he's
4 here to be sentenced for. And -- and whether he's given
5 a five-year sentence as I'm asking or a ten-year
6 sentence as the State's asking, we're looking into
7 putting him in custody into his late sixties or early
8 seventies plus whatever time he gets in federal court.
9 It's enough time which I think is appropriate -- and
10 that's part of why I'm asking for five because it -- it
11 would allow the victim in this case who -- who is a
12 victim whether she thinks so right now or not. She is a
13 victim, and it would take -- he would be incarcerated
14 until she was in her twenties, until she was hopefully
15 old enough to have had other life experiences, to grow
16 up a little bit, and to recognize what's been done to
17 her, recognize the negative effects this could have on
18 her life going forward if she doesn't right now. And
19 that's a shame, and that's one of the things that Mr.
20 Woods needs to pay for. And so I think putting him in
21 custody for that five years would allow her to have some
22 closure and recognize her role as a victim in this
23 situation and to hopefully not take it lightly. And I
24 don't -- I don't want to tell a victim they should get
25 into therapy, but like if that's something she needs to

1 do to be able to recognize that and address that while
2 Mr. Woods is in custody, I think that would be
3 appropriate. So the length of time that he's going to
4 be in custody should allow her to -- it should be enough
5 that she should recognize her role as the victim in
6 this, and I think that that's important.

7 But at the same time, ten years would put Mr. Woods
8 at seventy-three, a very old man. And when we sit here
9 today and when we listen to the arguments of the State,
10 it almost -- it feels in a weird way -- and maybe this
11 is how the Court sees it too -- but that the amount of
12 time that Mr. Woods has been a good, solid, productive
13 member of the community -- because he's demonstrated how
14 nice and good and solid of a person he is -- that when
15 this sort of crime occurs that that is then flipped on
16 him in a way where we say he should have known better
17 even more than everybody else, and therefore it's worse.
18 And that's true, and that's why I think we're coming in
19 here on a first offense sexual assault type crime and
20 asking for straight-up prison because that doesn't
21 always happen. We come into court, and sometimes
22 different circumstances require probationary sentences.
23 And I'm not saying that this is those because it's not.
24 It's different. But to -- to take sixty-two years of
25 positive, productive community living and to then use

1 that against Mr. Woods to the tune of ten years seems
2 excessive.

3 In those five years that he would be in custody, he
4 could engage in any treatment, any sex offender
5 treatment that he obviously should be required to do,
6 hopefully criminal thinking, hopefully cognitive
7 behavioral therapy and be forced to recognize his role
8 in this. Because if -- if you look at the PSI,
9 obviously it's clear that's not -- and what -- that it's
10 not quite exactly the PSI that I'm sure the Court would
11 have liked to have seen in this situation. I'll put it
12 that way. Some of his responses when pulled out -- and
13 I don't know the entirety of the conversation, but I've
14 spoken with Mr. Woods about this case a lot. And we
15 haven't had discussions that -- in which he attempted to
16 blame the victim. We haven't had discussions in which
17 he attempted to say that nothing happened because it
18 did. And -- and from the first time I sat down with him
19 when I was his lawyer, we were talking about when he was
20 going to plead guilty because he was going to accept
21 responsibility, and he was ready to come in and do that.

22 And when you -- he sits down with the PSI writer,
23 the way he described it to me when we looked at -- at
24 this PSI and I was like what are these comments, he made
25 it seem to me that he -- when he thinks about this time

1 where he was engaging in this -- for lack of a better
2 word -- relationship with this girl, he was out of his
3 mind. He can't believe that that's what he did. He
4 doesn't know why he did this. That's -- I don't think
5 that's a crazy thing to think. How could I possibly
6 have done that? I know that I did that; it's on tape;
7 yeah; I can't say I didn't; I don't remember it
8 specifically. That's what he said. Maybe it's because
9 he's blocking it out of his mind. I don't know. But he
10 knows that it happened. He knows that he took advantage
11 of her, and he pled guilty. And whether he's searching
12 for a reason, whether he's -- you know -- looking to
13 excuse his behavior at least in his own mind for the
14 time being, I don't know. But he hasn't conveyed it to
15 me that way in the past.

16 And when -- and I can understand from his
17 perspective sitting down there in the Dane County Jail
18 and speaking with a -- with a probation officer who
19 you've not met with before and have not spoken with
20 being forced to defend this behavior to somebody that
21 you don't know -- or not defend the behavior but at
22 least come up with an explanation, sir. And -- and I
23 mean Mr. Woods hasn't been in this situation before. He
24 doesn't know why he did this. It was a bad thing that
25 he did, and it was -- and he did -- like Mr. Dirks said,

1 he took advantage of the situation. He took advantage
2 of a vulnerable girl who needed a father figure.

3 But as I said before, Mr. Woods has been around
4 vulnerable girls who've needed a father figure for the
5 last forty years, and nothing like this has ever
6 happened. So to him, he still can't believe that he did
7 this. He ruined his -- the rest of his wife's life.
8 He'll acknowledge that. His kids will never think about
9 him the same. He has ruined his own life obviously, the
10 rest of it. He's ruined this girl's life. He's ruined
11 this girl's mom's life. And for that, he can't do
12 anything. He can't take it back. He can't change how
13 things unfolded. And he doesn't know why at
14 sixty-three years old he did that. And that's a shame,
15 and that's a -- a real thought. And when it -- when he
16 said he knows her as a liar, there are certain things
17 that she has embellished in this situation. And -- and
18 whether that was pulled out of context by the DOC
19 writer, that's what he was referencing. He wasn't
20 saying she was completely lying about this whole thing.
21 That's the explanation for that comment. There are --
22 there have been things over the course of this case that
23 he doesn't necessarily agree with but that don't change
24 the fact that he did engage in this sexual behavior with
25 her. And at the end of the day, that's why he pled

1 guilty.

2 So my recommendation is -- it is the same result
3 that the State thinks is appropriate. It's to sentence
4 somebody for what they did to a lengthy period of
5 incarceration, to sentence Mr. Woods for taking
6 advantage of a fourteen-year-old girl and engaging in a
7 sexual relationship which she legally and factually was
8 not ready for obviously. And for that, he should pay.
9 But at the same time, I -- my recommendation of five in
10 and five out accounts for a couple things that I feel
11 that the State's ten in and ten out does not. And
12 that's a recognition of the positive things that Mr.
13 Woods has done over the last sixty years, the fact that
14 he hasn't done drugs, hasn't done alcohol. He's just --
15 he's been a regular guy like he's just a regular person,
16 model citizen. And to put that into the context of what
17 risk will he pose when he gets out and to protect
18 society in the future when he does get done with this
19 sentence and the federal sentence and have his probation
20 and be a sex offender, he'll -- he'll be dead by the
21 time those things are done. And so the risk to society
22 and the risk to the public in my opinion is low based on
23 all those other factors.

24 And to also put into perspective the actual crime,
25 that it -- it was not a very young child. It was a

1 young child. It was illegal. And that it was not
2 factually violent. And I tread lightly saying that
3 because I know how the Court will respond to that, but
4 that's -- those things are true. She couldn't agree to
5 this relationship and she shouldn't be able to. And we
6 know why the law exists, and it makes sense. But it --
7 it wasn't forceful. It wasn't violent. So my
8 recommendation is for five in and five out based on
9 those things.

10 THE COURT: Thank you.

11 Mr. Woods, is there anything that you'd like to say
12 to the Court before we proceed this morning?

13 MR. WOODS: Your Honor, I made a statement about
14 responsibility -- about me taking responsibility like
15 Mr. Raff just said, and I'd like to read that to the
16 Court real quick. I want the Court to know that I'm
17 very sorry for my actions regarding the charges. I
18 deeply apologize to the victim and her family in this
19 case. I truly would pray that the victim can move on in
20 her life to be a successful young lady in her long life
21 to come. I am also sorry that I brought shame to my
22 wife and my family. I love all of them very much. No
23 one would really know the pain that's in my heart right
24 now going through with this at this time in my heart.

25 All of my life I have tried to be a good citizen

1 growing up in the inner city staying away from drugs,
2 alcohol, and bad people. I know why I'm in this
3 situation because I made some bad choices in my life
4 which led me to get in this trouble.

5 What I would like to convey to the Court is that I'm
6 asking for a second chance in my life to make a
7 difference, to give something back that's positive.
8 Upon serving my time, I would like to be a chaplain in
9 the prisons, jails, and so on. And I hope that I can
10 bring some hope through Jesus Christ for those who have
11 lost hope in their life. I pray that the Court have
12 mercy on me at this time. And to end it, I'd like to
13 say thank you to the Court, and may God bless you all.

14 THE COURT: Thank you.

15 Is there anything further from the State or the
16 defense?

17 MR. DIRKS: No, Your Honor.

18 Thank you.

19 MR. RAFF: No.

20 THE COURT: Very well.

21 Well, as I've indicated, I have reviewed the
22 presentence investigation report. I've certainly
23 reviewed everything that's been filed with the Court as
24 I referenced earlier.

25 Mr. Woods, as you well know given your prior

1 occupation, my obligation is to try to achieve a number
2 of objectives with regard to sentencing, and that
3 applies to every individual that sits in the seat that
4 you're currently occupying. Those objectives are
5 protection of the community, punishment, rehabilitation,
6 and specific deterrence. And to achieve those
7 objectives, I take into consideration a great number of
8 facts and circumstances many of which have already been
9 referenced by the attorneys. But I break those facts
10 and circumstances into three general categories that I'm
11 going to go through here in detail. Those facts relate
12 to the seriousness of the offense, the history and
13 character of you, the offender, and finally the needs of
14 our community which certainly include the needs of the
15 victims.

16 When I look at the seriousness of the offense, I
17 always begin sentencing hearings outlining the maximum
18 penalties because that certainly suggests the
19 seriousness of the offense, the gravity of the offense
20 if you will. And as Mr. Raff points out, when we look
21 at these types of penalties, we look at the spectrum of
22 criminal behavior, and where does this fit? This is a
23 Class C felony. There are only two more felonies that
24 are more serious in the eyes of the citizens of this
25 state. So this is nothing but a serious offense as far

1 as I am concerned. There is no mandatory minimum. An
2 editorial comment here, I think it's somewhat crazy in
3 the State of Wisconsin that we can have mandatory
4 minimums for the possession of child pornography, but
5 when someone lays hands on a minor child, there's no
6 mandatory minimum. But that's the law. And I'm bound
7 to follow the law.

8 Next I look at the details of the offense because
9 that certainly sheds light on the seriousness of the
10 offense. This is as Mr. Dirks pointed out a situation
11 where the mother of this victim reported seeing evidence
12 of a sexual relationship between Mr. Woods who she knew
13 and her daughter knew, and she found evidence of this on
14 a cell phone. I might add that the victim was thirteen
15 years of age at the time that this was discovered. The
16 officers observed several videos confirming the sexual
17 conversations and inappropriate physical contact
18 involving kissing and touching. The victim, herself,
19 reported engaging in sexual intercourse two to three
20 times in a hotel in May of 2018. She reported engaging
21 in oral sex over 100 times at hotels and in Mr. Woods'
22 vehicle. She reported that Mr. Woods told her not to
23 tell anyone. She obviously reported that the two had
24 stayed at several motels including Baymont Suites,
25 Quality Inn, and Super 8 in the Beloit and Rockford

1 areas. She also reported digital penetration.

2 Based upon all this information, we understand why
3 officers would arrange for a SANE exam. And fortunately
4 there were no physical injuries that were reported. But
5 the victim did report to that SANE nurse being sexually
6 active with Mr. Woods. The officers were able to
7 confirm that Mr. Woods had -- in fact -- been staying at
8 a number of motels as the victim reported. Motel staff
9 recalled Mr. Woods checking in with his "daughter" but
10 with rooms that contained only a single bed which seemed
11 odd to them.

12 I've reviewed the victim impact statements because
13 obviously the effects of this kind of behavior, conduct
14 on the victims and the victims' families is important
15 and significant for the Court to take into
16 consideration, and it speaks to the seriousness of the
17 offense. It's the consequences of your behavior on
18 other people. The -- the father of the victim certainly
19 noted experiencing depression from the fact that this
20 has further complicated the victim's life who was
21 dealing with other losses in her life. That father
22 wants the Court to consider a significant fine, a period
23 of confinement, counselling, etc. The mother of this
24 child who filed not only a victim impact statement on
25 behalf of the child but also her own victim impact

1 statement indicates how angry that the child is. And I
2 certainly noted the extra comments that Mr. Dirks added
3 to the PSI. But the mother reports how the victim is
4 very guarded. She has trust issues not only with her
5 parents over the reporting of this incident because she
6 does apparently have this twisted view of her
7 relationship with Mr. Woods. And the mother reports
8 that this victim's going to need extensive therapy.
9 That's understandable, and I agree with that. The
10 victim has been unable to attend summer school due to
11 some cruel comments from other children on social media.
12 And as far as the mother is concerned, Mr. Woods needs
13 to be sitting in prison. He needs counselling, and he
14 needs to be held financially responsible for the
15 counselling that this child needs. That's something
16 that's difficult to achieve for someone sitting in the
17 Wisconsin State Prison.

18 Obviously there -- as I indicated, there have been
19 no physical injuries that we know of, but the emotional
20 trauma cannot be understated. The effects that I just
21 outlined that the victim's family has noted are in
22 addition to the comments from Mr. Woods' family. And I
23 have too noted all of those comments by his wife
24 including the fact that the family is shocked, angry,
25 forced to move and leave their house that they've lived

1 in for many years, leave their community, their church,
2 their friends. I've also noted the comments that this
3 carries a great deal of shame that Mr. Woods brought
4 upon his own family and her comment about after all
5 these years of marriage, the shock that she's
6 experiencing that this person would pull off something
7 this crazy with this young girl. I can -- I can
8 appreciate the fact that your wife is in complete and
9 utter shock, the financial devastation obviously that
10 Mr. Dirks referenced, and the fact that -- as Mr. Raff
11 points out -- your conduct here has ruined a great
12 number of lives. And all of that speaks to the
13 seriousness of this offense.

14 You did -- in fact -- take advantage of this very
15 vulnerable child. Thirteen and fourteen-year-old
16 children don't have the emotional maturity to deal with
17 relationships period, let alone a physical relationship.
18 With what we know about the development of the human
19 brain and the fact that these -- that our brains aren't
20 fully developed until we're in our twenties suggests the
21 seriousness of this offense as far as I'm concerned
22 because you engaged in this kind of conduct with a
23 thirteen-year-old child. And I want to respond to the
24 remarks about how this victim still sees Mr. Woods as
25 her boyfriend. The nature of this romantic relationship

1 certainly highlights how warped her perspective on
2 things is based upon your conduct. I'm troubled every
3 time I get a letter from a child victim who turns --
4 well, who reaches the age of majority. And I've had too
5 many letters that I've received from now adult victims
6 who want to have contact with the person who assaulted
7 them when they were a child. What that highlights in my
8 mind is the fact that these children don't get the
9 treatment that they obviously need, that the impact of
10 that behavior on them is lifelong. And that highlights
11 the seriousness of this type of conduct in my mind.

12 Before I move on to the history and character of Mr.
13 Woods, I too was struck by Mr. Woods' version of events.
14 And I -- I highlighted and echo -- I'm going to echo
15 some of the same sentiments that Mr. Dirks pointed out
16 and that Mr. Raff also pointed to. The comments about
17 the victim allegedly putting something in your water
18 bottle, that you don't remember doing certain things,
19 and that the sexual contact was little to none is
20 insulting to one's intelligence given all the evidence.
21 And I appreciate the attempt to try to explain perhaps
22 your attempt to try to rationalize or figure out why you
23 did what you did, but it certainly doesn't look that
24 way. It doesn't sound that way when you make those
25 types of comments.

1 And I too was troubled by the comment about black
2 men being sentenced more heavily than white men. And
3 it's unfortunate I've had to hear that type of an
4 argument in a sentencing hearing twice in the last few
5 weeks. When I read the criminal complaint, I have no
6 idea what the race of the person who's identified in
7 that complaint is. When I read a PSI, I have no idea
8 what the race of the person is. It's not a factor that
9 ever comes into consideration under Gallion. It's not
10 an appropriate factor for this Court to take into
11 consideration. And to suggest that it does is
12 insulting.

13 I also highlighted the comments about the victim
14 being a "big liar" and the comment further that the
15 victim's mother knew I was out with her. That just
16 highlights how much more troubling this behavior is as
17 far as I'm concerned.

18 And then I too was troubled by your response when
19 you were confronted with the 21 videos that were
20 recovered or were reviewed on the victim's Periscope
21 account which is an app apparently that lets someone
22 share live streaming video from a cell phone -- a cell
23 phone or a smart phone or a tablet. And it highlights
24 the problems associated with having -- allowing young
25 children to have access to that type of technology. But

1 on pages 9 through 13 is where the transcript of those
2 videos is outlined and highlighted highlighting the
3 kissing, the sexual content of the discussions that were
4 engaged in in your presence with this thirteen-year-old
5 child, her references or comments about getting married
6 and engaging in love games, having babies, the two of
7 you giving instructions to one another about sexual
8 activity, and then your grabbing this child over the
9 clothing in inappropriate places, the threats to the --
10 from you to the victim telling her not to tell anyone,
11 the comments about having sex on weekends. I can't
12 imagine any adult thinking any of that is an appropriate
13 conversation to have with a thirteen-year-old child.
14 It's disgusting. And that all highlights the
15 seriousness and the gravity of the offense as far as I'm
16 concerned.

17 Next I'm going to move on to the factors that speak
18 to the history and character of you, the offender, Mr.
19 Woods. You are sitting before this Court as a
20 sixty-three-year-old gentleman. You're an educated
21 gentleman, a high school graduate. You've had some
22 college credits. You obviously completed the law
23 enforcement academy at Blackhawk Tech, did some further
24 training at MATC. And obviously you have completed
25 field training and some of the officer programming to be

1 a law enforcement officer. Obviously I note your
2 employment history, twenty-five to thirty years as a law
3 enforcement officer, retired, working as a security
4 guard at Aldrich Middle School and at the Beloit library
5 in your most recent past. Your health is certainly a
6 factor as well. I understand that you are
7 self-diagnosing yourself with PTSD. I'm not sure where
8 that comes from. Obviously we have other health issues
9 that are very consistent with being sixty-three years of
10 age.

11 I certainly wouldn't have expected to see any
12 criminal record, and there is none other than this case
13 here and the pending case that is in federal court which
14 I understand you are due to be sentenced on next month
15 and -- strike that -- in November. Excuse me. And I
16 certainly understand that there's a mandatory minimum
17 that will follow a conviction in that -- in that matter.
18 You've never been on probation before. There's never
19 been any AODA issues that have been brought to the
20 Court's attention in the PSI. You've obviously been
21 married for forty years, have 11 children.

22 And I agree with Mr. Raff. By all accounts, you've
23 lived a stellar life. You've helped the community in
24 many ways. And Mr. Raff is right. He's heard me
25 comment in enough sentencing hearings to know that

1 that's what I'm going to say makes this that much more
2 shocking not only to me, but this kind of conduct shocks
3 the conscience of the entire community. When someone
4 who's been in law enforcement, a trusted member of our
5 society engages in this kind of conduct, you are
6 betraying the trust of the entire community not only the
7 trust of this thirteen-year-old child and not only the
8 trust of that child's mother and father. What mother
9 and father would think that their child's at risk being
10 in the presence of a retired police officer of
11 twenty-five to thirty years? No one would. And you
12 betrayed all of that trust by engaging in this -- this
13 conduct. I hesitate to even classify -- characterize
14 this as a relationship. It's offensive to the whole
15 term relationship to be quite honest with you.

16 Certainly your demeanor is something that I have to
17 try to evaluate. It's difficult to evaluate that from
18 the written word, but we make the best attempt at doing
19 so. I have to try to determine whether or not you are
20 remorseful because it's very easy to say the right
21 things. And you've been a police officer for a long
22 time. You know the right things to say. You're the
23 only person in this room that knows what's really in
24 your heart. But that's what makes some of the comments
25 I referenced earlier about the victim and your behavior

1 and your comments here today about taking
2 responsibility -- I noted on page 27 of the PSI your
3 comments about your good past record, always helping
4 others, stating that this was wrong, and that you're
5 blaming no one else and taking responsibility. It
6 echoes your written statement that you read to the Court
7 here today. But I cannot help but say -- or conclude
8 that this is very inconsistent with the responses to the
9 videos and your characterization of the victim which
10 certainly suggests that you're not taking responsibility
11 and that you are -- in fact -- minimizing your conduct.
12 I thought the author of the PSI stated quite succinctly
13 on page 33 of the PSI which she concluded after looking
14 at all the same information that I'm looking at that you
15 are "unwilling to take responsibility for your behavior,
16 and you are even bold enough to claim race will play
17 into your upcoming sentencing; that comment was just
18 another example of how the defendant shifts blame
19 instead of owning his conduct." And that's exactly the
20 way it looks. The agent concluded that you have this
21 sense of entitlement. You attempt to rationalize what
22 was going on. You're blaming the victim which is
23 certainly what it sounds like. The dishonesty, the lack
24 of remorse that is readily apparent, I can't overlook
25 that as well. I also note the comments that the author

1 made on page 33 as well about how you were socially
2 accepted by the community; however, those attributes are
3 exactly what make the defendant's actions even more
4 unbelievable and of concern. You were a prosocial
5 member of the Beloit community, and you betrayed the
6 trust of nearly everyone. I agree 100 percent with
7 those sentiments. But all of this is -- like I said --
8 what makes your conduct that much more shocking to
9 everyone here.

10 Next I look at the needs of our community. Are you
11 a good risk? Well, by Mr. Raff's own comments with
12 regard to your position about you searching for why you
13 did what you did certainly suggest that you're not a
14 good risk. You haven't been in any treatment. And
15 quite frankly you still present a significant risk to
16 not only this victim but the entire community. And as I
17 indicated earlier, the risk to the victim is certainly
18 part of what I have to consider when I look at the needs
19 of our community. The fact that she may still be
20 looking at you as a boyfriend, as a father figure well
21 into her adulthood suggests the -- the risk that you
22 present, and it also highlights the damage that you
23 caused. And because of the fact that this victim and
24 her family have fallen on the economic hard times that
25 they've fallen on, I'm not convinced that this victim's

1 going to get the counselling and the treatment that she
2 needs. Obviously the entire community needs protection
3 from people who engage in this kind of conduct. And the
4 entire community certainly expects that someone who was
5 privileged to be an officer for as long as you've been
6 privileged to be an officer and serve the community --
7 you've betrayed that trust, and the community certainly
8 needs protection.

9 My obligation is to try to impose a sentence that
10 deters you from continuing down this path of
11 destruction. There's obviously also a moral need for
12 punishment associated with conduct of this nature. And
13 it is based upon all those facts and circumstances that
14 I've taken into consideration, that I've highlighted --
15 and it's obvious to everyone in this room -- that
16 probation is certainly not an appropriate disposition.
17 No one is asking for it. Confinement is obviously
18 necessary to protect the public. You are in need of
19 significant correctional treatment which can be provided
20 in a confined setting, and that's where it's going to
21 occur. And certainly it would depreciate the
22 seriousness of this offense to do anything other than
23 sentence you to a period of incarceration. The real
24 question here is what is that appropriate period of
25 incarceration?

1 And I appreciate the arguments about Mr. Woods being
2 a sixty-three-year-old gentleman and trying to evaluate
3 and assess the risks. As Mr. Dirks is well aware, I
4 sentenced someone who was quite a bit older than you
5 just a couple -- just a week or so ago to a much
6 lengthier period of incarceration than what's on the
7 table here at least in terms of what the State is
8 arguing for and what the Department of Corrections is
9 recommending. The facts and circumstances of that
10 gentleman's case are very different from yours. He was
11 a repeat sexual offender. But to suggest that someone
12 at age sixty-three does not present a risk to society is
13 essentially sticking one's head in the sand.

14 So I've struggled with trying to determine what's an
15 appropriate sentence in this situation. I've had time
16 to review obviously the PSI for some time, and I'm
17 trying to determine what's an appropriate sentence to
18 not only achieve all the objectives of sentencing which
19 include rehabilitation for you as well, and it's not a
20 simple task. But what I think is an appropriate
21 sentence in this case is as follows. I'm going to
22 sentence you to twelve years of initial confinement in
23 the Wisconsin State Prison System. That's going to be
24 followed by five years of extended supervision. And the
25 reason why that five years of extended supervision is

1 appropriate as far as this Court is concerned is because
2 I know you're going to get some -- some treatment in a
3 confined setting. And you're going to be afforded the
4 opportunity once that prison sentence is completed to
5 demonstrate that you can conform to the laws of a
6 civilized society and demonstrate your rehabilitation
7 during that period of extended supervision. Because if
8 you don't or if you can't, you will not come back to see
9 me. You'll go directly to prison and serve out the
10 remainder of that time.

11 The conditions of your extended supervision are
12 going to be that you participate in any further
13 recommended assessments and treatment or counselling
14 deemed necessary by the department, that you pay your
15 court-ordered financial obligations and supervision
16 fees. You are going to be required to register as a sex
17 offender and comply with the sex offender treatment
18 requirements as well. I am going to require that you
19 maintain no contact with the victim or the victim's
20 family, no contact with any children or minors without
21 agent approval, and I'm going to require that you not be
22 near any locations where minors or vulnerable
23 populations congregate namely parks, schools, day care
24 providers, or businesses servicing those populations
25 without agent approval.

1 You are not eligible for the challenge incarceration
2 program not only because of your age but also because of
3 the child sex offense under Chapter 948. And you're not
4 eligible for any substance abuse programming or earned
5 release programming as well.

6 Counsel, has there been any discussion or agreement
7 with regard to the amount of sentence credit he's
8 entitled to?

9 MR. DIRKS: I think we're in agreement it's
10 seventy-four days.

11 MR. RAFF: Yes.

12 THE COURT: The judgment will provide for
13 seventy-four days of sentence credit.

14 Mr. Dirks, I certainly appreciate the fact that the
15 victim -- the mother of the victim was making claims of
16 requests for restitution. Is there any formal request
17 for restitution here?

18 MR. DIRKS: There is. There was a request in
19 the amount of \$35.51 which has been paid by the Crime
20 Victim Compensation Program. And I'd ask that the Court
21 order restitution in that amount paid by the defendant
22 to CVC.

23 THE COURT: So ordered.

24 MR. DIRKS: Thank you.

25 THE COURT: Is there any other restitution?

1 MR. DIRKS: No.

2 But there is also a request for an order for HIV
3 testing which I can file with the Court.

4 THE COURT: Very well.

5 The Court will sign that order for HIV testing. I
6 think that's certainly appropriate under the statutory
7 provisions.

8 Mr. Woods, it's my obligation to inform you that you
9 have been convicted of this felony. That means you are
10 not permitted to vote in any election until your civil
11 rights are restored. You are not permitted to possess a
12 firearm at all.

13 The restrictions for child sex offenders under
14 Chapter 973 apply to you. Do you understand that, sir.

15 MR. WOODS: Yes, sir.

16 THE COURT: Mr. Raff, you'll go over your
17 client's appellate relief rights as well as the written
18 explanation of determinate sentencing; is that correct?

19 MR. RAFF: Yes.

20 THE COURT: I previously ordered the DNA back on
21 July 30th of 2019.

22 As far as I'm concerned, I believe that that
23 completes the necessary record.

24 Mr. Dirks or Mr. Raff, is there anything that either
25 of you would like the Court to make a record on?

1 MR. DIRKS: Not from me, Your Honor.

2 MR. RAFF: No.

3 THE COURT: Mr. Woods, I wish you the best of
4 luck. I hope you take this seriously, and I hope that
5 you make -- take full advantage of all the treatment
6 that's going to be provided to you. Good luck to you,
7 sir.

8 We're in recess on that matter.

9 (Proceedings concluded.)

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1 STATE OF WISCONSIN)
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I, Jennifer Klaren, district court reporter for
Rock County, Wisconsin, do hereby certify that I
reported the foregoing proceedings on September 27, 2019
and that the transcript annexed hereto is a full, true,
and correct transcript of my stenographic notes reduced
to typewritten form.

Dated October 19, 2019.

Electronically Signed By Jennifer Klaren
Jennifer Klaren, RPR
District Court Reporter
Rock County Courthouse
Janesville, WI 53545
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